

support any conclusion of patentable distinctness between the restricted inventions (MPEP 803).

Applicants respectfully traverse the restriction requirement on the ground that no adequate reasons or examples have been provided to support the conclusion of patentable distinctness between the restricted inventions.

The Examiner has classified the inventions of Groups I and II as patentably distinct because they are mutually exclusive inventions.

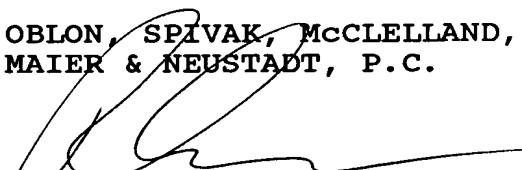
Since the Examiner has merely restated the premise of patentable distinctness as the conclusion for restriction, Applicants respectfully submit that no adequate reasons and/or examples to support a conclusion of patentable distinctness have been provided.

Applicants further submit that a brief review of issued patents in this field will reveal claims drawn to both peptides and recombinant genetic material encoding said peptides in individual patents. Therefore, Applicants respectfully submit that no serious burden of search is borne by the Examiner, since a search for such peptides or their corresponding recombinant genetic material inevitably reveals both.

Accordingly, the restriction requirement is improper, and should be withdrawn.

Respectfully submitted,

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